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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

First Named Applicant: Lotspiech)	Art Unit: 2132
)	
Serial No.: 09/575,740)	Examiner: Lanier
)	
Filed: May 22, 2000)	AM9-98-028-US2
)	
For: COINCIDENCE-FREE MEDIA KEY BLOCK FOR)	March 2, 2004
CONTENT PROTECTION FOR RECORDABLE)	750 B STREET, Suite 3120
MEDIA)	San Diego, CA 92101
)	

RESPONSE TO OFFICE ACTION

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

In response to the Office Action dated February 26, 2004, rejecting all the claims for obviousness-type double patenting over Claims 1-26 of USPN 6,118,873, the enclosed Terminal Disclaimer overcomes this rejection, and it will not be further discussed. *The Commissioner is authorized to charge deposit account no. 09-0441 for the Terminal Disclaimer fee.*

This leaves, as the only remaining issue, the rejection under 35 U.S.C. §102 of all claims as being anticipated by Horne '296, relying on col. 3, line 53 to col. 4, line 15.

The rejection misses the difference between the invention of Claim 1 and Horne. Summarizing:

Claim 1 element

(1) providing a single media key

Presumed Horne element

(1) providing the master key

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(2) transforming the media key using a
position-specific function with each of
a sequence of positions to render a sequence
of position-dependent media keys

(3) encrypting each position-dependent media
key with a respective position-dependent
device key.

(2) creating individual node keys by encrypting rcvr.
address with master key

(3) Rejection falls apart

As seen above, Horne does not teach the third element of Claim 1, much less does it suggest combining it with the first two elements. Instead, in Horne, the individual keys that are generated by encrypting the receiver addresses with the master key (with these individual keys presumably being used in the rejection as the position-dependent media keys) are used to encrypt the common key, but the common key itself is not position dependent, in contrast to the third element of Claim 1. This element requires encrypting both a position-dependent media key with a respective position-dependent device key, whereas in Horne only one thing (an individual key) is ever disclosed as being position-dependent.

It would appear that independent Claim 7, while not including every limitation of Claim 1, is also patentable over Horne.

The limitations of independent Claims 2 and 10 have not been treated in the Office Action, so Applicant will not unnecessarily festoon the file history with estoppels to rebut rejections that haven't been articulated beyond observing that Horne nowhere teaches or suggests the media key block of Claim 2.

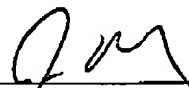
1053-100.AMD

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The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



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JLR:jg

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